

III. REMARKS

1. Claims 8 and 11 are amended. Claims 38 and 39 are new.

2. Applicant respectfully submits that the restriction requirement is improper and reconsideration is requested. The Examiner states that claim 1 does not read on Species IV, FIG. 7. It is submitted that this interpretation is incorrect. FIG. 7 represents a cross-sectional view of a thin film EL panel and driver circuit. The EL panel can be used as a stand-alone or for one or more panel regions 4. The driver circuit 24 is shown in FIG. 7. The remaining elements are described for example, with respect to FIG. 7, from paragraph [0054]-[0059]. Thus, it is respectfully submitted that claim 1 does read in Species IV, FIG. 7.

Claim 12 recites an electroluminescent panel configured to emit visible light when AC voltage is applied thereto, the electroluminescent panel comprising, an emission layer between two electrodes, an elimination layer between two electrodes, the elimination layer being arranged below the emission layer, and a driver circuit including a voltage supply source for supplying AC voltage to the electrodes with the emission layer in between and for supplying AC voltage in opposing phase to the electrodes with the elimination layer in between. All of these feature can be found with respect to FIG. 7.

Claim 19 recites a thin film electroluminescent panel comprising, an emission layer between two electrodes, and an elimination layer between two electrodes, the elimination layer being arranged below the emission layer. Again, it is

respectfully submitted that FIG. 7 illustrates at least these features, and thus the claim reads on the figure.

The features recited in claims 25 and 33 are also at least found in FIG. 7. Thus, the claims read on this species IV.

The Examiner states that the drawings of the different embodiments have patentably distinct species. This is merely a broad statement of conclusion, that the Examiner has not supported with any reasoning. Pursuant to M.P.E.P. §808, the Examiner must provide "reasons".

Furthermore, the Examiner has not established that a search and examination of the entire application could not be made without a serious burden. Pursuant to M.P.E.P. § 803, restriction is proper only when the search and examination of an entire application cannot be made without "**serious burden**". If the search and examination of an entire application "can be made without serious burden" the Examiner "must" examine it on the merits, even though it includes claims to independent or distinct inventions. The Examiner has not asserted that there are independent or distinct inventions, and has certainly not provided any reasoning as to why the entire application could not be examined without serious burden. The Examiner has also not made any showing regarding the various classes or subclasses into which the claims would be classified. Thus, it is submitted that there is no reason why a search and examination of the entire application cannot be made.

The Examiner is again reminded that 37 C.F.R. § 1.141 provides that a reasonable number of species may still be claimed in one application. (See M.P.E.P. § 806.04(a)). It is noted, that the above is not and should not be construed as either an admission

or confirmation that the noted species are or are not patentably distinct. Rather, it is a notation that the Restriction as made is defective and should be withdrawn. Claims 1-37 should be subject to search and examination.

3. Claim 8 as amended is not anticipated by Eguchi. It is submitted that Eguchi does not disclose or suggest a substitute capacitor layer as is recited by Applicant in the claims. Eguchi states that the layer 23-1 is an "insulating" layer. (Col. 4, line 35.) Nowhere does Eguchi disclose or suggest that the layer 23-1 can function as a "substitute capacitor" layer, as described and claimed by Applicant.

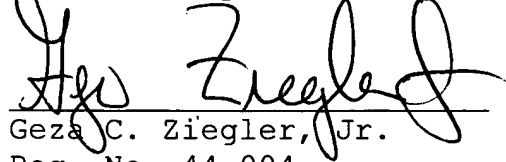
Eguchi also does not disclose a "switch" as recited and claimed by Applicant. Thus, Eguchi cannot anticipate Applicant's invention.

4. Claim 11 is not unpatentable over Eguchi and Houten (U.S. Patent No. 2,992,351) under 35 U.S.C. §103(a) because the combination of references does not disclose or suggest that each panel region has a given capacitance and is selectively connectable to the source of AC voltage, or that there is a substitute capacitor associated with each panel region, the substitute capacitor having a capacitance that is substantially equal to the capacitance of the associated panel region, or that the substitute capacitor is connected to the source of AC voltage when the associated panel region is not connected to the source of AC power and vice versa.

A check for \$250 is enclosed for the additional claims fee. The Commissioner is hereby authorized to charge payment for any fees

associated with this communication or credit any over payment to
Deposit Account No. 16-1350.

Respectfully submitted,


Geza C. Ziegler, Jr.
Reg. No. 44,004

14 Dec 2005
Date

Perman & Green, LLP
425 Post Road
Fairfield, CT 06824
(203) 259-1800
Customer No.: 2512

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited
with the United States Postal Service on the date indicated
below as first class mail in an envelope addressed to the Mail
Stop Amendment, Commissioner of Patents, P.O. Box 1450,
Alexandria, VA 22313-1450.

Date: Dec. 14, 2005

Signature: Meaghan Bayle
Person Making Deposit